THE HON'BLE SRI JUSTICE GHULAM MOHAMMED

W P No.22079 of 1996

Dated : 7-2-2006

Between :

Arekonda Srinivasulu S/o Venkata Swamy,
Aged about 38 years, 14-49E, Harinathapuram,
II line, Nellore. ..Petitioner

And

1. Akkim Paramdhami Reddy, Bus Owner
   Of APN-4419, Thadiparthi village,
   Atmakur Taluq, Nellore District.
2. P.C. Konda Reddy, bus owner
   Of APN 4419, Peddavuru, A.S.Peta (PO),
   Atmakur Taluq, Nellore District.
3. The Divisional Manager, APSRTC,
   Nellore Division, Nellore.
4. The Presiding Officer, Labour Court,
   Guntur, Guntur District. …. Respondents.

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Oral Order :

This writ petition is filed challenging the Award of the Labour Court, Guntur passed in I.D.No.56 of 1989 dated 26-12-1995 as confirmed in G.O.Rt.No.2039 dated 23-7-1996 as illegal, arbitrary and consequently to set aside the award.

The petitioner claims to have obtained conductor's licence in the year 1978 and joined as Conductor in the bus bearing NO.APN 4419 in the year 1978 and continued till 5th January, 1986. It is the case of

the petitioner that a dispute as to payment of wages and payment for extra time worked was not resolved amicably, the 1st and 2nd respondents – being owners of the bus, terminated the services of the petitioner only on 5-1-1986 along with others.

Thereafter, the government nationalized the bus route between Mamuduru to Nellore via Podalakur on which the bus No.APN 4419 is plying on 3-2-1987 and the Government evolved a policy to absorb the employees working under private operators who are displaced by virtue of the nationalization of various routes in the state of Andhra Pradesh. One of the condition imposed in the said policy is that displaced employee shall be in continuous service of one year preceding the date of notification. The petitioner appeared before the 3rd respondent-Corporation for interview for the purpose of absorption in the 3rd respondent-Corporation, pursuant to the direction of this Court in WPMP NO.26554 of 1987 in W P.No.20010 of 1987 dated 21-12-1987 directing the 3rd respondent to conduct enquiry and interview the petitioner to find out the ability for absorption. The 3rd respondent rejected the claim of the petitioner on the ground that the petitioner was not in continuous service of one year preceding the date of nationalization. Being aggrieved, the petitioner preferred I.D.No.56 of 1989 before the 4th respondent-Labour Court.

The Labour Court, on appreciation of the evidence, came to the opinion that the petitioner was not in continuous service of one year preceding the date of nationalization and hence dismissed the I.D. Admittedly, the petitioner did not satisfy the main condition of the corporation that the petitioner must be in service continuously for one year prior to the date of nationalization of the service, and that his services were terminated on 5-1-1986 whereas the nationalization of the bus route took place on 20-2-1987. Therefore, the Labour Court declined to entertain the I.D. In the circumstances, I do not see any ground to interfere with the award passed by the Labour Court. The writ petition is meritless and is dismissed accordingly. No costs.

Kk 7-2-2006